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MAINTENANCE OF INTERNATIONAL SECURITY - PREVENTION OF THE VIOLENT DISINTEGRATION OF STATES

SECURITY COUNCIL
Fifty-fourth year

LETTER DATED 23 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a statement dated 23 April 1999 by an official representative of the Ministry of Foreign Affairs of the Russian Federation on the question of the settlement of the crisis in Kosovo, Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have this letter and its annex circulated as soon as possible as official documents of the General Assembly, under agenda items 36 and 64, and of the Security Council.

(Signed) S. LAVROV

Annex

Statement by an official representative of the Ministry of Foreign Affairs of the Russian Federation

The Russian Federation is consistently following the policy established by Mr. B. N. Yeltsin, President of the Russian Federation, for the earliest achievement of a political settlement of the Kosovo crisis on a just and lasting basis. This work is being conducted through many channels - from high-level bilateral contacts and mediation missions to wide-ranging activity in the area of multilateral diplomacy and the activation of the capabilities for the establishment of peace in the Balkans of those international organizations of which the Russian Federation is a member.

A key place in this process is held by the Organization for Security and Cooperation in Europe (OSCE), within the framework of which, over the past quarter of a century, special instruments have been developed for cooperation in crisis situations. One of them - the mechanism for consultations and cooperation with regard to unusual military activity, envisaged by the Vienna document of 1994, has already been activated by Belarus in connection with the aggression by the North Atlantic Treaty Organization (NATO) in the Balkans. While commending and supporting this step by Minsk, the Russian Federation, for its part, in accordance with the mechanism for consultations and cooperation with regard to emergency situations adopted at the first meeting of the council of the Conference on Security and Cooperation in Europe (CSCE) in Berlin in 1991, sent official enquiries to the NATO member countries on 21 April 1999. These enquiries note, in particular, the overt, flagrant and unceasing violation by the North Atlantic treaty countries of at least seven of the ten basic principles of international relations laid down in the Helsinki Final Act. They include the principles of sovereign equality and respect for the rights inherent in sovereignty; refraining from the threat of use of force; territorial integrity of States; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights; and fulfilment in good faith of obligations under international law.

Indeed, it is impossible to find any justification under international law for the NATO strikes. The Russian Federation regards the force applied against the Federal Republic of Yugoslavia, in circumvention of the generally recognized and imperative norms of international law, as aggression giving rise to consequences of responsibility. The references made by representatives of NATO and member States of the alliance to Chapter VII of the Charter of the United Nations, to "intervention in order to overcome a humanitarian disaster", "resistance to the policy of genocide" and so forth, are far-fetched, and any serious analysis immediately rules out any correlation between them and the legal norms and practice of international relations, above all the Charter of the United Nations, and decisions and obligations within the framework of OSCE.

The course of events in Yugoslavia since 24 March 1999 has shown that it is actually the military actions of NATO which provoked the current humanitarian disaster and created a full-fledged emergency situation in the Balkans. The Russian Federation demands that NATO should stop, and should remember its

obligations, and the moral, ethical and democratic values which we all agreed to respect and observe as the foundations for the building of a new Europe in the twenty-first century – peaceful, democratic, prosperous and free of any boundaries. We hope that within the 48 hour deadline envisaged in the Berlin mechanism the addressees will give an adequate response. We believe that this enquiry will give members of the alliance a chance to reconsider their actions and revert in practice to the observance of the norms and principles of international law.

The launching on 23 April 1999 of the OSCE mechanism for the human dimension should give significant political impetus in the same direction. In accordance with the final document of the Vienna meeting of the representatives of States members of CSCE in 1986, the Russian Federation sent the NATO countries a declaration and a request for information in connection with the massive violations of human rights and fundamental freedoms, and also of the humanitarian obligations deriving from the decisions and agreements adopted within the framework of CSCE/OSCE, committed by NATO, its members, officials and military personnel in the territory of the Federal Republic of Yugoslavia.

Specific reference was made to the incidents of the destruction by NATO combat aircraft of a passenger train on 12 April and of two convoys of Albanian refugees on 14 April, causing the deaths of dozens of people. This, like the deliberate NATO strikes on targets in which civilians are present, is in flagrant violation of article 3 of the Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security of person". The arguments put forward in the alliance about human casualties as "unavoidable collateral damage" are unacceptable, cynical and amoral. Who in NATO determined the limits of this "collateral damage"? – do such limits exist for the alliance at all?

The enquiries refer to specific international documents and establish their violation by the NATO members as a result of such actions as the systematic destruction of Yugoslav towns and population centres, and civilian dwellings, and the destruction of life-supporting, economic and environmental targets in the Federal Republic of Yugoslavia. All this may lead to a complete collapse of all life in Yugoslavia, and further suffering for the population, in the first place old people, women and children. At the same time, the material base and the conditions for the return of the refugees and displaced persons to their places of permanent residence are being destroyed, and yet it is precisely the solution of the refugee problem which is being touted as one of the main goals of the alliance.

The calls by the leaders of individual States of the alliance for the removal from power of the legitimately elected leadership of Yugoslavia are illegal and highly incendiary. The coverage in the mass media of the NATO States of the events in the Federal Republic of Yugoslavia is one-sided and biased, and the damage caused to that country is deliberately passed over in silence or minimized. At the same time radio and television transmitters in the territory of the Federal Republic of Yugoslavia are being systematically destroyed, in violation of the right freely to receive and disseminate information.

Finally – and this gives rise to particular concern – the militant calls by the NATO members to step up military action and carry on to a "victorious conclusion" are a flagrant violation of article 20, paragraph 1 of the International Covenant on Civil and Political Rights, which states: "Any propaganda for war shall be prohibited by law".

On the basis of these facts, and also of the agreement reached in OSCE at the summit level, that is to say with the participation of the heads of State and Government of the NATO countries, that those who violate international humanitarian law shall bear personal responsibility for their actions, the Russian Federation has requested information on what responsibility has been borne or will be borne by persons directly or indirectly involved in the above-mentioned violations. We expect the NATO countries to provide their assessments of civilian casualties resulting from the actions of the alliance, and of the damage to the economy of the Federal Republic of Yugoslavia. We would also like to know what measures the NATO members intend to take, and when, to stop and correct the overt, flagrant and continuing violation of the obligations they have undertaken, and how they plan to compensate for the economic and other damage to Yugoslavia and its citizens after the halting of military action against this sovereign member State of OSCE.

We note once again: the Kosovo crisis, like any other similar situations, cannot be resolved by methods using force. Violence engenders violence. The achievement of lasting and just peace in the twenty-first century is possible only by peaceful means, through patient, painstaking and, if necessary, protracted political and diplomatic work. This is the goal of the foreign policy of the Russian Federation, and we call on all the other members of the international community to support it.